

## REMARKS

Claims 1-6 and 8-15 are pending in the present application. Claim 7 was previously cancelled. Claim 6 has been cancelled. Claims 1-5 and 8-15 have been amended. New claims 16 and 17 have been added. Claim 9 is allowed.

Claims 1-5 and 9-15 as amended are directed to pharmaceutical compositions comprising certain novel compounds. Claim 8 is directed to a method of using the compositions recited in claim 1 or 2 to treat pain. Claims 10 and 13 have been amended for formatting reasons in order to remove improper language. New claims 16 and 17 have been added in order to provide the subject matter deleted from claims 10 and 13, respectively.

The claims have been amended to more particularly point out that which applicants regard as the invention. No issue of new matter is raised by these changes. Accordingly, upon entry of this Amendment, claims 1-5 and 8-17 will be pending and under examination.

### 35 U.S.C. §102

The Examiner has rejected claims 1, 3, 5, 6, 8 and 10-15 under 35 U.S.C. §102 as allegedly anticipated by Krassnig. Claim 6 has been cancelled, rendering its rejection moot.

According to the Examiner, Krassnig discloses the synthesis of 14-alkoxymorphinan-6-ones as potential sigma-opioid receptor antagonists. The compounds 39-41 (at page 57) as well as compound 19 (at page 59) disclosed by Krassnig allegedly anticipate the instant claims when R<sub>2</sub> represents C<sub>7</sub>-C<sub>16</sub>-aryl alkyl or C<sub>8</sub>-C<sub>16</sub>-aryl alkenyl and R<sub>4</sub>-represents an -OH or -OCH<sub>3</sub> group in the instant compound of formula (I).

In response, applicants respectfully traverse. Applicants first note that rejected claims 1, 3, 5, 8 and 9-15 provide pharmaceutical compositions comprising a compound and a carrier and claim 8 provides a method of using same to treat pain. Second, applicants note that the

compounds present in the claimed compositions are not taught by Krassnig. Specifically, the substituent  $R_2$  of the compound of formula (I) has removed from it the particular groups taught by Krassnig.

The Examiner also rejected claims 1, 5, 6, 8, 10-12, 14 and 15 under 35 U.S.C. §102(b) as allegedly anticipated by Buckett. Claim 6 has been cancelled, rendering its rejection moot.

According to the Examiner, Buckett discloses esters of 14-hydroxycodeinone having analgesic activity. The two compounds disclosed in table 2 on page 70T (where R represents  $-\text{COCH}=\text{CH}-\text{Ph}$  or  $-\text{COCH}=\text{CH}-\text{CH}_3$ ) allegedly anticipate the instant claims when  $R_2$  represents either  $\text{C}_3-\text{C}_6$  alkenoyl or  $\text{C}_9-\text{C}_{16}$ -arylalkenoyl in the instant compounds of formula (I).

In response, applicants respectfully traverse. Applicants note that the compounds of the claimed compositions are not taught by Buckett, in that the substituent  $R_2$  of formula (I) does not provide the ester group required by that reference.

The Examiner further rejected claims 2, 4-6, 8, 10 and 12-15 under 35 U.S.C. §102(b) as allegedly anticipated by Heinisch. Claim 6 has been cancelled, rendering its rejection moot.

According to the Examiner, Heinisch discloses methanolysis of 14-bromocodeinone dimethyl acetal. The compound 6c (at page 531) disclosed by Heinisch allegedly anticipates the instant claims when both  $R_1$  and  $R_2$  represent an alkyl group and  $R_4$  represents an  $-\text{OCH}_3$  group in the instant compounds of formula (IA).

In response, applicants respectfully traverse. Applicants note that the compounds of the claimed compositions are not taught by Heinisch, in that the substituent  $R_2$  of formula (IA) has removed from it the methyl group taught by that reference.

Finally, the Examiner rejected claims 1, 3, 5, 6, 8 and 10-15 under 35 U.S.C. §102(b) as allegedly anticipated by Schmidhamer. Claim 6 has been cancelled, rendering its rejection moot.

According to the Examiner, Schmidhammer discloses opioid receptor antagonists. The compounds of formula (IV), (V), (VIII), (IX) and (X) disclosed by Schmidhammer (at column 5, line 50 to column 8, line 24) allegedly anticipate the instant claims when R<sub>2</sub> represents C<sub>7</sub>-C<sub>16</sub> arylalkyl, C<sub>8</sub>-C<sub>16</sub>-arylalkenyl or C<sub>9</sub>-C<sub>16</sub>-arylalkenoyl in the instant compounds of formula (I).

In response, applicants respectfully traverse. Applicants note that the compounds of the claimed compositions are not taught by Schmidhamer, in that *inter alia*, (i) the noted compounds taught by this reference are presented as synthetic intermediates only, and (ii) this reference does not teach such intermediates in the form of pharmaceutical compositions.

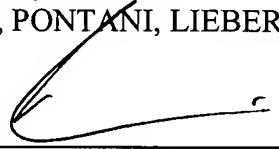
#### Formalities

The Examiner stated that claim 9 would be allowable if rewritten as an independent claim. In response, applicants thank the Examiner, yet note that this claim remains dependent from claims that applicants maintain are now in condition for allowance.

If any additional fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
COHEN, PONTANI, LIEBERMAN & PAVANE LLP

By



Alan J. Morrison  
Reg. No. 37,399  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

Dated: April 7, 2008